

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on November 25, 2024 by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that Plaintiff's Letter, (Doc. 1), treated as a Motion for Return of Property pursuant to Fed. R. Crim. P. 41(g) should be dismissed without prejudice to Plaintiff submitting his action on the proper forms along with either the \$405.00 filing fee or a completed application to proceed in forma pauperis. The Recommendation was served on the parties to this action on November 25, 2024, and February 13, 2025. (Docs. 3, 5). Plaintiff filed timely objections to the Recommendation. (Doc. 6.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff submitting his action on the proper forms along with either the \$405.00 filing fee or a completed application to proceed in forma pauperis.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 7th day of March, 2025.

William L. Osten, Jr.
United States District Judge